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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,293	05/01/2001	Fumio Saitoh	1614.1165	4138

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EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/845,293

Applicant(s)

SAITOH ET AL.

Examiner

Truc T Chuong

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because there are numbers at lines 9, 10, 13-17, and 20. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claims 1-9 are objected to because of the following informalities: "thitherto" is grammatically incorrect. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "purport on a part" in claims 1, 4, and 7 is a relative term which renders the claim indefinite. The term "purport on a part" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

The term "purport on a part of said part in the form of the loop" is unclear.

All dependent claims are also rejected because of their dependency.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Prouty, IV et al. (U.S. Patent No. 6,097,939).

As to claim 1, Prouty teaches a screen display control method for individually displaying conditions of each of a plurality of constituents of a system in a form of a loop on a screen, the method comprising:

a first step of comparing a total number A (A is a positive integer) of objects to be displayed regarding said constituents and a total number B (B is a positive integer) of individual displays on the screen so as to, when A is greater than B, display a collective group indicating that purport on a part of said part in the form of the loop, and at the same time individually display each of said objects to be displayed corresponding to B (sub-resources and changing in locations, col. 20 lines 1-42, and fig. 19); and

a second step of newly displaying individually any number of said objects to be displayed corresponding to said collective group based on an instruction of a revolving display, and at the same time shifting said number of said objects to be displayed that have been displayed

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individually thitherto into said collective group (rotation, col. 8 lines 36-63, and col. 20 line 33- col. 21 line 56).

As to claim 2, Prouty teaches the screen display control method as claimed in claim 1, wherein said first step includes the step of displaying on said collective group information indicating whether an abnormal constituent is present or not among said constituents other than said objects to be displayed corresponding to B, and at the same time individually displaying information indicating whether each of said constituents of said objects to be displayed corresponding to B is abnormal or not (information associated with each resource icon, col. 23 lines 13-67).

As to claim 3, Prouty teaches the screen display control method as claimed in claim 1, wherein said first step includes the step of displaying on said collective group information indicating whether an abnormal resource is present or not among resources included in said constituents other than said objects to be displayed corresponding to B, and at the same time individually displaying information indicating whether an abnormal resource is present or not among resources included in said constituents of said objects to be displayed corresponding to B (col. 23 lines 15-63).

As to claims 4-6, they are system claims of method claims 1-3. Note the rejections of claims 1-3 above respectively.

As to claims 7-9, they are computer program product claims of method claims 1-3. Note the rejections of claims 1-3 above respectively.

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*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sadow (U.S. Patent No. 5,909,220) teaches rotation, icons, selected groups, and GUI (cols. 4-43, and figs. 5-30).

Gu et al. (U.S. Patent No. 6,097,853) teach revolve, icons, locations, conditions, and selections (cols. 3-36, and figs. 3D-36).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Truc T. Chuong  
12/10/03

*Kristine Kincaid*  
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